HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 1461 of 2005

Petitioner		Bhawani Shanker Tiwari, S/o Shri Dewki Nandan Tiwari, aged about 45 years, occup. Panchayat and Social Education Organiser, posted at Korba, Disst. Bilaspur (M.P.)
	Versus	
Respondents	1.	The State of M.P. (Now C.G.) through, Secretary, Panchayat and Social Welfare Deptt. Bhopal.
	2.	Director, Panchayat and Social Welfare Deptt. Bhopal.

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Jitendra Pali, Advocate for the petitioner.

Shri Sushil Dubey, Government Advocate for the respondents.

ORDER

(Passed on this 23rd day of March, 2007)

1. By way of this petition the petitioner seeks a direction to the respondents to consider his case for promotion on the post of District Auditor.

2. Learned counsel, appearing for the petitioner, submits that vide order dated 27.4.1977 (Annexure A/1) the petitioner was appointed on the post of Panchayat and Social Education Organizer in the Panchayat and Social Welfare Department. Thereafter, vide order dated 28.5.1983 (Annexure A/2) the petitioner was sent on deputation on the post of Block Development Officer in the Panchayat and Rural Development Department. As per the gradation list dated 1.4.1985 (Annexure P/3) the petitioner was placed at serial No. 490 in his parent department. While the petitioner was on deputation, vide order dated 10.1.1986 (Annexure A/13) one Shri Raj Shambhu Nema, who was placed at serial No.

508 in the gradation list, was promoted on the post of District Auditor. Thereafter also vide order dated 25.1.1989 four persons placed at serial numbers 541, 564, 568 and 581 in the seniority list were promoted on the post of District Auditor. The petitioner come to know that on both the occasions when junior to the petitioners were considered for promotion and promoted to the post of District Auditor, the name of the petitioner was not considered by the D.P.C. as his name was not placed before it. Thereafter, vide order dated 1.1.1992 the petitioner was repatriated to the parent department.

3. Learned counsel appearing for the petitioner submits that the similarly situated officers, who were sent on deputation as Block Development Officers were denied promotion with effect from the date their juniors were considered for promotion in the Panchayat and Social Development Department i.e. parent department, on the ground that their juniors were considered and promoted, earlier when they were on deputation. They approached the M. P. State Administrative Tribunal at Jabalpur. The Tribunal vide its judgment and order dated June 8/30, 1992 dismissed their applications. In Special Leave Petition, after grant of leave, preferred against the order of the Tribunal i.e. Civil Appeal No. 4614-20 of 1992 the Hon'ble Supreme Court of India observed as under :-

"Be that as it may, the appellants cannot be put to any prejudice so far as their service career in the parent Department is concerned. In whatever capacity they were working in their parent Department, they would be deemed to be continuing in that capacity while on deputation as BDOs in the Panchayat and Rural Development Department. The appellants are entitled to all those benefits in their parent Department which are given to the persons junior to them or those who are similarly situated. In case any of the persons junior to the appellants have been promoted to the higher cadres during the period when the

appellants were on deputation, the State of Madhya Pradesh shall consider the appellants for promotion from the relevant dates when the persons junior to them were considered. In case the appellants are found suitable for promotion after such consideration, they will be entitled to all the consequential benefits."

5. In view of the above, this petition is disposed of in the same terms and conditions of the order dated 14.2.1995 passed by the Hon'ble Supreme Court in Civil Appeal No.s 4614-20 of 1992. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge